

# EXHIBIT 3



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# Transcript of Michelle Hastings, Ph.D.

**Date:** September 13, 2024

**Case:** Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

**Planet Depos**


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Michigan #8598 | Nevada #089F | New Mexico #566

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

- - - - - x  
NIPPON SHINYAKU CO., LTD., :  
Plaintiff, : C.A. No. 21-1015  
vs. : (CBW)  
SAREPTA THERAPEUTICS, INC., :  
Defendant. :  
- - - - - x  
SAREPTA THERAPEUTICS, INC., :  
and THE UNIVERSITY OF WESTERN :  
AUSTRALIA, :  
Defendants/Counter-Plaintiffs, :  
vs. :  
NIPPON SHINYAKU CO., LTD. :  
and NS PHARMA, INC., :  
Plaintiffs/Counter-Defendants.:  
\_\_\_\_\_ x

  
Videotaped Deposition of MICHELLE HASTINGS, Ph.D.  
Chicago, Illinois  
Friday, September 13, 2024  
9:05 a.m.

Job No.: 553177  
Pages: 1 - 134  
Reported By: JENNIFER L. BERNIER, CSR, RMR, CRR

Transcript of Michelle Hastings, Ph.D.  
Conducted on September 13, 2024

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1 Videotaped deposition of MICHELLE HASTINGS,  
2 Ph.D., held at the offices of:

3  
4  
5 Morgan Lewis & Bockius LLP  
6 110 North Wacker Drive  
7 Chicago, Illinois 60601  
8 312.324-1000  
9  
10  
11  
12

13 Pursuant to notice, before Jennifer L. Bernier,  
14 an Illinois Certified Shorthand Reporter, Registered  
15 Merit Reporter, Certified Realtime Reporter.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Transcript of Michelle Hastings, Ph.D.  
Conducted on September 13, 2024

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A P P E A R A N C E S

APPEARED ON BEHALF OF PLAINTIFF/

COUNTER-DEFENDANTS NIPPON SHINYAKU AND NS PHARMA:

WAN-SHON LO, ESQUIRE

CHRISTOPHER J. BETTI, Ph.D., ESQUIRE

ALISON P. PAPITUCCI, Ph.D., ESQUIRE

MORGAN LEWIS & BOCKIUS LLP

110 North Wacker Drive

Chicago, Illinois 60606-1511

312.324.1742

APPEARED ON BEHALF OF DEFENDANT/

COUNTER-PLAINTIFF SAREPTA THERAPEUTICS, INC.:

DAVID P. FRAZIER, Ph.D., ESQUIRE

LATHAM & WATKINS LLP

555 Eleventh Street, N.W. Suite 1000

Washington, D.C. 20004-1304

202.637.2200

ALSO PRESENT:

Erin Schuppert - PD Videographer

Cole Kirkendall - PD Videographer Trainee

Transcript of Michelle Hastings, Ph.D.  
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1	THE VIDEOGRAPHER: Here begins Media No. 1	09:04:49
2	in the videotaped deposition of Michelle	09:04:52
3	Hastings, Ph.D. in the matter of Nippon Shinyaku,	09:04:56
4	Ltd. v. Sarepta Therapeutics, Incorporated in the	09:05:00
5	United States District Court for the District of	09:05:04
6	Delaware, Case No. C.A. No. 21-1015 (GBW).	09:05:07
7	Today's date is September 13th, 2024. The	09:05:21
8	time on the video monitor is 9:05 a.m. Central.	09:05:26
9	The videographer today is Cole Kirkendall,	09:05:29
10	representing Planet Depos.	
11	This videotape deposition is taking place at	09:05:36
12	110 North Wacker Drive, Chicago, Illinois 60601.	09:05:38
13	Would counsel please voice-identify	09:05:42
14	themselves and state whom they represent.	09:05:45
15	MR. FRAZIER: David Frazier from Latham &	09:05:48
16	Watkins for Sarepta.	09:05:01
17	MS. LO: This is Shon Lo from Morgan Lewis &	09:05:54
18	Bockius on behalf of Nippon Shinyaku and the	09:05:57
19	witness.	09:05:58
20	And with me, I have my colleagues	09:05:58
21	Allison Patitucci and Christopher Betti.	09:06:01
22	THE VIDEOGRAPHER: The court reporter today	09:06:06
23	is Jennifer Bernier, representing Planet Depos.	09:06:07
24	Would the reporter please swear in the	09:06:10
25	witness.	09:06:12

Transcript of Michelle Hastings, Ph.D.  
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(Witness sworn.)

WHEREUPON:

MICHELLE HASTINGS,

called as a witness herein, having been first duly  
sworn, was examined and testified as follows:

EXAMINATION

BY MR. FRAZIER:

Q Good morning, Dr. Hastings.

09:06:23

A Good morning.

09:06:25

Q You've been deposed before, correct?

09:06:26

A Yes.

09:06:27

Q Okay. Let me just give you a few quick

09:06:28

reminders that will make the day go more smoothly.

09:06:30

First of all, it will work best if we don't

09:06:34

talk at the same time. So I'll try to ask a

09:06:36

complete question and stop, give you time to answer.

09:06:38

If I don't interrupt you, please, will you try not

09:06:42

to interrupt me?

09:06:46

A Yes.

09:06:47

Q Excellent.

09:06:48

And then is there any reason today that you

09:06:49

can't give complete and truthful testimony? Any

09:06:51

medication or anything?

09:06:54

A No.

09:06:55

Q Okay. And you prepared for your deposition

09:06:56

Transcript of Michelle Hastings, Ph.D.  
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1	But I have worked with antisense	09:10:39
2	oligonucleotides that have been designed against	09:10:41
3	various oligonucleotides that have been shown to be	09:10:45
4	active. And so in the course of that, we have used	09:10:50
5	some of them as controls on occasion.	09:10:52
6	Q But your -- your professional work does not	09:10:54
7	relate to designing antisense oligonucleotides for	09:11:00
8	the treatment of DMD, correct?	09:11:05
9	A Yeah, we don't design them to treat DMD.	09:11:07
10	They're usually used in the course of our work as --	09:11:12
11	in antisense oligonucleotides. So we haven't worked	09:11:14
12	to treat -- to make a treatment for it, for	09:11:17
13	Duchenne's.	09:11:22
14	Q So -- all right. In your professional work,	09:11:23
15	you are not researching or developing treatments for	09:11:25
16	DMD, correct?	09:11:29
17	A That's right, we are not working to develop	09:11:30
18	treatments for DMD.	09:11:35
19	Q But you are an expert in antisense	09:11:36
20	oligonucleotides; is that right?	09:11:41
21	A That's right. We develop antisense	09:11:43
22	oligonucleotides for the treatment of a number of	09:11:46
23	other pediatric diseases.	09:11:48
24	Q And are you an expert in the design of	09:11:50
25	antisense oligonucleotides?	09:11:53



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1	A Yes. We do everything from the conception	09:11:55
2	to design, testing, manufacturing, and developing of	09:11:58
3	antisense oligonucleotides for treating disease.	09:12:03
4	Q And you're an expert in the use of antisense	09:12:06
5	oligonucleotides?	09:12:11
6	A Yes, we use them. That's a focus of my --	09:12:12
7	my research.	09:12:16
8	Q And you're an expert in the treatment of	09:12:16
9	Duchenne's muscular dystrophy?	09:12:20
10	A I don't treat. I'm not a physician. I	09:12:22
11	don't treat Duchenne's muscular dystrophy patients.	09:12:23
12	Q So you're not an expert in the treatment of	09:12:26
13	Duchenne's muscular dystrophy?	09:12:30
14	A I would say that I'm an expert in the -- in	09:12:32
15	the -- in the medicines that are used to treat	09:12:34
16	Duchenne's muscular dystrophy. But I'm not a	09:12:36
17	physician. I don't see patients that have	09:12:40
18	Duchenne's muscular dystrophy. I do see --	
19	(Reporter clarification.)	09:53:16
20	THE WITNESS: Okay.	09:12:51
21	THE REPORTER: Thank you.	
22	THE WITNESS: I'm not a physician. I don't	09:12:51
23	see patients that have Duchenne's muscular	09:12:51
24	dystrophy.	09:12:55
25		

Transcript of Michelle Hastings, Ph.D.  
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C E R T I F I C A T E

I, JENNIFER L. BERNIER, a Certified  
Shorthand Reporter, Registered Merit Reporter,  
Certified Realtime Reporter, the officer before whom  
the foregoing videotaped deposition was taken, do  
hereby certify that the foregoing transcript is a  
true and correct record of the testimony given; that  
said testimony was taken by me stenographically and  
thereafter reduced to typewriting under my  
supervision; that reading and signing was requested;  
and that I am neither counsel for or related to, nor  
employed by any of the parties to this case and have  
no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my  
hand this September 18, 2024.

My commission expires May 31, 2025.



JENNIFER L. BERNIER, CSR, RMR, CRR

No. 553177

Re: Deposition of Michelle Hastings, Ph.D.

Date: 9/13/2024

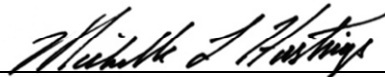
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Page	Line	Correction/Change	Reason
21	6	<b>PMLs</b> should be <b>PMOs</b>	Misspelling
25	1	<b>a set</b> should be <b>a cET</b>	Misspelling
38	21	<b>this</b> should be <b>there was</b>	Mistranscription
40	9	<b>say</b> should be <b>saw</b>	Misspelling
41	25	<b>user tees</b> should be <b>Us are Ts</b>	Misspelling
99	2	<b>AVR</b> should be <b>AVI</b>	Misspelling
105	18	<b>judge</b> should be <b>judgment</b>	Mistranscription
108	19	<b>morpholino</b> oligonucleotides should be <b>DNA</b> oligonucleotides	Mistranscription

October 14, 2024

(Date)



(Signature)

Re: Deposition of **Michelle Hastings, Ph.D.**

Date: 9/13/2024

Case: Nippon Shinyaku Co., Ltd. -v- Sarepta Therapeutics, Inc.

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ACKNOWLEDGMENT OF DEPONENT

I, Michelle Hastings, Ph.D., do hereby  
acknowledge that I have read and examined the  
foregoing testimony, and the same is a true, correct  
and complete transcription of the testimony given by  
me and any corrections appear on the attached Errata  
sheet signed by me.

10/14/2024

(Date)

(Signature)